

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Christopher Donald Ellis

Kristen Marie Ellis fka Kristin Schnell aka  
Kristin Marie Schnell-Ellis  
Debtors

Franklin American Mortgage Company , or its  
Successor or Assignee  
Movant

vs.

Christopher Donald Ellis  
Kristen Marie Ellis fka Kristin Schnell aka Kristin  
Marie Schnell-Ellis  
Charles J. DeHart, III (Trustee)  
Respondents

Chapter 13

Bankruptcy No. 18-02551 JJT

**OBJECTION TO PLAN**

Franklin American Mortgage Company ("Creditor") is a secured creditor of the above Debtors and by its counsel hereby objects to the Debtors' Chapter 13 Plan ("Plan") as follows:

1. Creditor is in the process of filing a Proof of Claim with respect to its secured interest in real property of the Debtors or of the estate which is commonly known as and located at 80 Call Mountain Circle, Lehighton, Pennsylvania 18235 ("Property"); such Proof of Claim will indicate a principal balance in the amount of \$196,220.55, and an estimated arrearage claim in the amount of \$18,362.00. The claims bar date is set for August 23, 2018.

2. The Plan proposes to pay \$14,000.00 towards Creditor's arrearage claim; accordingly, the Plan does not provide for the full value of Creditor's claim. A copy of the Debtors' Chapter 13 Plan is attached hereto as Exhibit A.

3. The Property is the primary residence of the Debtors.

4. The provisions of 11 U.S.C. § 1322(b)(2) prohibit debtors from modifying, through the Plan, the rights of secured creditors holding an interest in real property secured only by a Debtors' principal residence. To the extent the Plan attempts to do so, it cannot be

confirmed.

5. The Plan violates the provisions of 11 U.S.C. § 1325(a)(3) and 11 U.S.C. § 1325(a)(5)(B)(ii) to the extent that it fails to provide Creditor with the full value of its claim.

WHEREFORE, for the foregoing reasons, Franklin American Mortgage Company requests that an Order be entered denying confirmation of the Chapter 13 Plan and for such other and further relief as is just.

/s/ Raymond M. Kempinski

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